

Remarks/Arguments

The Examiner is thanked for the careful review of this Application. Claims 1-12, 14-17, and 19-21 are pending after entry of the present Amendment. Claim 18 has been cancelled and new independent claim 21 has been added. Claim 13 was previously cancelled. Amendments were made to claims to correct typographical errors and better define the claimed invention. The amendments do not introduce new matter.

Rejections under 35 U.S.C. § 103(a):

The Office has maintained rejection of claims 1-12, and 14-20 under 35 U.S.C. 103(a) as being obvious over U.S. Patent No. 6,826,716 to Mason in view of the U.S. Patent Pub. No. 2002/0107889 A1 to Stone et al. (Stone).

It is respectfully submitted that the combination of the cited prior art fails to raise a *prima facie* case of obviousness against the subject matter defined in the claimed invention. Specifically, the cited combination fails to disclose, teach, or suggest all the features of the claimed invention, as defined in amended independent claims 1, 11, and 16, and the new independent claim 21. Among other features, in the claimed invention defines that the XML enabled test results are used to create a test summary report. In the combination of the cited prior art, however, the destination performs “preferred data analytics” on the data packaged by the originator, which is already in the XML format. Then, the XML formatted data is analyzed by the destination source. It is respectfully submitted that one of ordinary skill in the art is well aware that analyzing data is not the same as using the XML enabled data. Furthermore, neither Stone nor Mason disclose, teach, or suggest, the contrary. In fact, as expressly provided on page 2, paragraph 21 of Stone, to be a destination, the originating, or the recipient business entities have to have analytic capabilities. Otherwise, they cannot be considered a destination.

Additionally, the combination fails to disclose test suite tags that encapsulate the test results corresponding to each test suite of the computer software test application. The Applicants respectfully traverse the Office’s broad interpretations of several terms in Mason and Stone. For instance, the Office has cited to column 1, lines 65 through column 2 line 20 of Mason finding that Mason teaches “the logically arranged XML test reports file including test suite tags so as to indicate test reports belonging to particular test suits of a test applications.” In arriving at the Office’s conclusion, the Office has further indicated that “the schema above is used in the broadest sense to encompass the newly added limitation in claim 11.” [Emphasis added.]

The Applicant respectfully submits that the Office’s rationale in arriving at such a conclusion, however, is unclear. In fact, the cited excerpt of Mason refers to containers in J2EE, which have no association with the test suite tags, as denied in the claimed invention.

Furthermore, the Applicant cannot determine the specific "schema" the Office relies on for support to arrive at the Office's conclusions.


Still further, the Office has interpreted that the combination discloses a logical parser that reorders a content of the well-formed XML test reports file to produce a logically arranged XML test reports file. In arriving at the Office's conclusion, the Office has interpreted that Mason provides "a mechanism for selecting application behaviors at assembly or deployment time to generate a well-formed XML test reports file." However, the cited excerpts of Mason do not disclose, teach, or suggest reordering of the content of the XML test reports file. Rather, the latter excerpt provides an information about containers in J2EE, which again has no correlation or association with the reordering of the content of the XML test reports file. Additionally, nothing in Stone cures such deficiency in Mason.

Accordingly, amended independent claims 1, 11, and 16 and new independent claim 21 are respectfully submitted to be patentable under 35 U.S.C. section 103(a) over any combination of the cited prior art. In a like manner, dependent claims 2-10, 12 and 14-15, 17, 19, and 20 each of which directly or indirectly depends from the applicable independent claim are submitted to be patentable under 35 U.S.C. section 103(a) over any combination of the cited prior art for at least the reasons set forth above regarding the independent claims 1, 11, and 16.

The Applicant respectfully requests examination on the merits of the subject application, and submits that all of the pending claims are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. If the Examiner has any questions concerning the present Amendment, the Examiner is kindly requested to contact the undersigned at (408) 774-6913. If any additional fees are due in connection with filing this Amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No. SUNMP024). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,

MARTINE PENILLA & GENCARELLA, LLP



Fariba Yadegar-Bandari, Esq.

Reg. No. 53,805

710 Lakeway Drive, Suite 200
Sunnyvale, CA 94085
Telephone (408) 774-6913
Facsimile (408) 749-6901
Customer No. 32291